**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

**CIVIL APPELLATE JURISDICTION**

**WRIT PETITION NO.164 OF 2003**

Smt.Vijaya Vishwanath Bharat ..Petitioner.

V/s.

Shri Eknath Shamrao Gharat & Ors. ..Respondent.

Mr.N.B. Shah counsel for petitioner.

Mr.Vijay Gharat for for respondent no1.

Mr.Harihar Bhave i/b. M/s. Bhave and company for respondent no.9.

**CORAM : R.V.MORE, J.**

**DATED : 28TH JUNE, 2007.**

**P.C. :-**

1. The petitioner in this writ petition is original plaintiff in Regular Civil Suit No.34/1999. The respondent no.1 is the defendant no.1 in above suit who is brother in law of petitioner/ plaintiff. The respondent no.9 is the defendant no.9 and they have purchased the suit property from respondent/defendant no.1.

2. The petitioner/plaintiff filed aforesaid suit for declaration that the sale deed executed by respondent no.1 in favour of respondent no.9 is null and void and not binding on him and also for perpetual injunction restraining the respondents from interfering

in his possession of the suit property.

3. The petitioner has also filed application at Exh.5 for temporary injunction restraining respondents from interfering in her possession in the suit property. The trial Court rejected the application at Exh.5 by its order dated 27.06.2000.

4. The petitioner challenged the above order of trial Court by filing an appeal bearing no.58/2000 however same was also dismissed by learned Additional District Judge, Raigad-Alibag by his order dated 3.7.2001.

5. The above said order of lower appellate Court initially challenged by the petitioner by filing Civil Revision Application No.501/2002. By the order dated 27.6.2002 the parties were directed to maintain status quo.

6. Meanwhile, amendment to section 115 of C.P.C. came in force. In view of this amendment, revision was found not maintainable and, therefore, petitioner was permitted to withdraw the Revision Application with liberty to file writ petition. The petitioner thereafter filed present writ petition,

which was admitted on 14.6.2006 and interim relief in terms of prayer clause (c) was granted.

7. The counsel for respective parties submits that without going into merits of the matter interest of justice will be served if, the trial court be directed to hear the suit as expeditiously as possible by maintaining status quo as of today.

8. Mr.Bhave learned counsel for the respondent no.9 also made statement that he will not create third party interest in suit property during the pendency of the suit.

9. After taking aforesaid submission into consideration, I am of the view that without going into merits of the matter, the Writ Petition should be disposed of by passing following order :

: O R D E R :

i. The learned trial Court namely Civil Judge Junior Division at Uran is directed to hear and dispose of Regular Civil Suit No.34/1999 as expeditiously as possible and within the period of one year from receipt

of this order.

ii. The trial court shall decide the suit independently on its own merits and without being influenced by impugned order or the order passed in this writ petition.

iii. The parties to the petition agree to maintain status quo in respect of the suit land as of today.

iv. No order as to costs.

v. Parties to act on authenticated copy of this order.

**(R.V.MORE, J.)**